

PATENT APPLICATION  
Docket No. 2705-039  
Client Ref. No. Seq. 535

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 13 2005

In re application of: R. Ashby Armistead      Confirmation No.      2499  
Serial No.      09/186,977      Examiner:      Edith Chang  
Filed:      November 5, 1998      Group Art Unit:      2637  
For:      MODEM FAILOVER WITHOUT CALL LOSS

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

MAIL STOP RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**1. Submission required under 37 C.F.R. § 1.114**

a. ☐ Previously submitted:

☐ Consider the amendment(s) reply under 37 C.F.R. § 1.116 previously filed  
on \_\_\_\_\_.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed  
on \_\_\_\_\_.

b. ☒ Enclosed is:

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

**2. Miscellaneous**

☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required).

☐ Other:

3. Fees: (Note: The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed)

☒ RCE fee required under 37 C.F.R. § 1.17(e)

☐ \$395 small entity  
☒ \$790 large entity

CLAIMS AS AMENDED					
For:	Number After Amendment	Previous Number	Extra	Rate	Additional Fee
Total Claims	49	-37*	12	x \$50 =	\$600
Independent Claims	10	-3**	2	x \$200 =	\$600
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$1250

☐ Extension of time fee (37 C.F.R. §§1.136 and 1.17)

	small entity	large entity
<input type="checkbox"/> Extension of Time - 1 <sup>st</sup>	<input type="checkbox"/> \$60	<input type="checkbox"/> \$120
<input type="checkbox"/> Extension of Time - 2 <sup>nd</sup>	<input type="checkbox"/> \$225	<input type="checkbox"/> \$450
<input type="checkbox"/> Extension of Time - 3 <sup>rd</sup>	<input type="checkbox"/> \$510	<input type="checkbox"/> \$1020

☐ Suspension of application fee (37 C.F.R. § 1.17(i))--\$130

☒ PTO Form 2038 authorizing credit card payment is attached.

☒ Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

Customer No. 20575

Respectfully submitted,  
MARGER JOHNSON & McCOLLOM, P.C.



Stephen S. Ford  
Reg. No. 35,139

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I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile number 571-273-8300, on September 13, 2005.

  
Christina Lawton